



# SUMMARY of BILLS Affecting the Maine Department of Environmental Protection

From the 121st Maine Legislature First Regular Session December 4, 2002 to June 14, 2003

## 2003 121<sup>st</sup> LEGISLATURE FIRST REGULAR SESSION

#### **SUMMARY OF BILLS**

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NOTE: The general effective date for non-emergency laws enacted in the First Regular Session is September 13, 2003

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(This summary is intended for general information only. It is not intended for use as a legal reference.)

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#### **Bureau of Air Quality**

LD	TITLE	COMMITTEE	RESULT	REFERENCE	
441	An Act To Establish a Definition for Biodiesel Fuels	TRA	Signed: 5/23/2003	PL 2003	

This bill clarifies that the definition of "distillates" in statute includes "biodiesel fuel." The bill also defines "biodiesel fuel" as renewable fuel composed of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats that is registered with EPA as a fuel and a fuel additive under the federal Clean Air Act and as otherwise specified in the American Society for Testing Materials Standard or its subsequent Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.

Sponsor: Senator Kneeland

## 845 An Act To Provide Leadership in Addressing the Threat NAT Signed: PL 2003 of Climate Change 5/21/2003 C. 237

This bill directs the DEP to create a greenhouse gas emissions inventory for state-owned facilities and state-funded programs; to seek to establish carbon emission reduction agreements with businesses and nonprofit organizations; to participate in a regional greenhouse gas registry; and to create an annual statewide greenhouse gas emissions inventory.

The bill also sets state short-term, medium-term and long-term goals for the reduction of greenhouse gas emissions within the State. It directs the DEP to adopt a state climate action plan by July 1, 2004 and further directs the department to evaluate, every 2 years, the State's progress toward meeting the reduction goals and to amend the action plan as necessary to ensure that the State can meet the reduction goals. Beginning no earlier than 2008, the DEP may recommend to the Natural Resources Committee that the reduction goals be increased or decreased.

**Sponsor:** Representative Koffman

# 1184 Resolve, To Encourage Use of Alternative Energy Sources UTE Signed: Res. 2003 5/27/2003 C. 50

This bill directs the Energy Resources Council, in consultation with DEP, to undertake a study of alternative transportation and heating fuels, alternatively fueled vehicles and biofuels and to report to the Utilities and Energy Committee with interim findings and recommendations by January 31, 2004 and with final recommendations by January 31, 2005. The reports must recommend production and usage goals for alternative transportation fuels and biofuels and recommend strategies for achieving those goals.

**Sponsor:** Senator Hall

# 1312 Resolve, Relating to Renewable Resources UTE Signed: Res. 2003 5/23/2003 C. 45

This resolve directs the Public Utilities Commission to examine mechanisms designed to ensure a secure, adequate and reliable supply of electricity for state residents and to maintain and increase the State's use of renewable and indigenous resources. The commission is directed to submit the results of its examination to the Utilities and Energy Committee by December 31, 2003 and the committee is authorized to report out legislation in response to the commission's examination.

**Sponsor:** Speaker Colwell

#### **Bureau of Air Quality**

TITLE

1324	An Act Making Unified Appropriations and Allocations	AFA	Signed:	PL 2003
	for the Expenditures of State Government and Highway		4/11/2003	C. 40
	Funds and Changing Certain Provisions of the Law		Emerg.	
	<b>Necessary to the Proper Operations of State Government</b>		_	
	for the Fiscal Years Ending June 30, 2004 and June 30, 2005			

This bill establishes all other Highway Fund allocations to the DEP in FY 2004 (\$36,296) and FY 2005 (\$36,427) for the following purposes:

- 1. to provide public education on ozone and air toxics from vehicle emissions,
- 2. to provide information and training for auto technicians on the testing and repair of on-board diagnostics; and

COMMITTEE

RESULT

3. to conduct the statewide diesel testing program in cooperation with the Department of Public Safety to reduce the public health impact of diesel exhaust soot and particulate matter.

**Sponsor:** Representative Usher

LD

REFERENCE

LD	TITLE	COMMITTEE	RESULT	REFERENCE
242	Resolve, Relating to the Consideration of the Cumulative Effect on Protected Natural Resources	NAT	Signed: 5/13/2003	Res. 2003 C. 14

This resolve directs the DEP to convene a working group of interested parties to design a method for the consideration of cumulative effects on protected natural resources. It requires the department to submit a proposal to the Natural Resources Committee by January 5, 2004. The resolve also authorizes the Natural Resources Committee to report out legislation relating to the department's proposal during the Second Regular Session of the 121st Legislature.

**Sponsor:** Representative Faircloth

# 245 An Act To Promote Consistent Protection of the State's Waters ACF Signed: 5/29/2003

This bill authorizes the Department of Conservation to proceed with rulemaking to implement a statewide standard for timber harvesting and timber harvesting activities in shoreland areas. It allows a municipality to retain a municipal ordinance pertaining to timber harvesting and timber harvesting activities in shoreland areas if the ordinance is consistent with laws and rules in effect on December 31, 2005. The statewide standards must be adopted by October 1, 2003 with a delayed effective date of January 1, 2006.

The Maine Land Use Regulation Commission (LURC), the Department of Environmental Protection (DEP) and the Board of Environmental Protection (BEP) are directed to amend or repeal their rules as necessary to remove any provisions that duplicate or conflict with the statewide standards. By no later than October 1, 2005, LURC, DEP and BEP shall review their rules to ensure that any necessary changes become effective on January 1, 2006.

Lastly, the bill authorizes the Agriculture, Conservation and Forestry Committee to report out legislation necessary to implement the statewide standard for timber harvesting in shoreland areas or clarify the responsibilities of the Bureau of Forestry in administering and enforcing the standard.

**Sponsor:** Representative Pineau

# 319 An Act to Reenact Standards for Road Construction for ACF Signed: PL 2003 Forest Management Activities 3/31/2003 C. 23

This bill enacts language concerning permit by rule for road construction or maintenance that was repealed on August 1, 2002.

**Sponsor:** Representative Carr

# 443 An Act To List Agriculture as a Designated Use in Water NAT Signed: PL 2003 Quality Standards 5/21/2003 C. 227

This bill adds agriculture as a designated use in Maine's water quality standards and specifies that those designations will take effect when the water use standards for maintaining in-stream flows are finally adopted.

**Sponsor:** Senator Kneeland

PL 2003

C. 335

LD	TITLE	COMMITTEE	RESULT	REFERENCE
491	An Act To Manage Water Resources	NAT	Signed: 5/13/2003	PL 2003

This bill adds a 4th standard of review for bulk water transport appeals submitted to the Department of Human Services. These standards are intended to protect public and private uses of Maine's groundwater and surface water resources. The new standard provides that, for a source that is not otherwise permitted by the Department of Environmental Protection, the water withdrawal must not adversely affect existing uses of groundwater or surface water resources. DHS is directed to consult with DEP in addition to the Public Utilities Commission and the State Geologist regarding an appeal. Rules adopted by DHS to implement the subsection are major substantive rules.

**Sponsor:** Representative Collins

## 564 An Act To Clarify the Responsibilities of the Department NAT Signed: PL 2003 of Environmental Protection 5/13/2003 C. 131

This bill clarifies that, in processing applications for permits for transmission lines and pipelines under the natural resources protection laws, an outstanding river segment will receive the same level of protection regardless of whether the outstanding river segment is located within the organized or unorganized territories.

**Sponsor:** Representative Hutton

# 696 An Act Concerning the Adoption of Coastal Sand Dune NAT Signed: PL 2003 Rules 5/13/2003 C. 130

This bill provides that rules adopted by the Board of Environmental Protection regarding development in coastal sand dune systems are major substantive rules.

**Sponsor:** Representative Cowger

# 697 An Act To Require the Installation of Dental Amalgam NAT Signed: PL 2003 Separator Systems in Dental Offices 5/27/2003 C. 301

This bill requires the installation of amalgam separator systems in dental offices that add, remove or modify dental amalgam. Dentists must notify the DEP of their installations and must also notify the director or chief engineer of a publicly owned treatment works if their wastewater is discharged into a publicly owned treatment works. Dentists need not comply with these requirements until December 31, 2004.

The bill also requires dental amalgam separators to meet a minimum removal efficiency of 95% if installed prior to March 20, 2003 or 98% if installed on or after March 20, 2003 as determined through testing in accordance with standards of the International Organization for Standardization in effect on the date the system is installed. The bill requires dentists to maintain, for a period of 3 years, all shipping records for replacement filters and written documentation to demonstrate that the amalgam separator system has been properly inspected and maintained. The DEP, after receiving proper notification of the installation of the amalgam separator system and after being satisfied that it meets the requirements of the law must provide the dentist or the dental practice with written confirmation of receipt of evidence of compliance with this section in a format suitable for display by the dental office.

**Sponsor:** Representative Cowger

LD	TITLE	COMMITTEE	RESULT	REFERENCE
707	An Act Regarding the Development and Implementation of an Eradication Plan for Invasive Aquatic Plants	NAT	Signed: 5/13/2003	PL 2003 C. 136

This bill authorizes the DEP to study and develop a plan that includes the use of water level drawdown for the eradication of invasive aquatic plants. If the department determines that the plan is feasible, the department may implement the plan. The bill also authorizes the department to seek funding from private sources to support the development and implementation of the plan.

**Sponsor:** Senator Nass

## 709 An Act To Require Public Meetings prior to Dam Removal NAT Signed: PL 2003 5/13/2003 C. 134

This bill requires a person who intends to file an application for a permit to remove an existing dam to attend a preapplication meeting with the DEP and to hold a public informational meeting prior to filing the application. The meetings must be held in accordance with the department's rules on the processing of applications.

**Sponsor:** Senator Gagnon

# 1059 Resolve, Directing the Department of Environmental NAT Signed: Res. 2003 Protection To Recognize the Distinction between Water Storage Reservoirs and Natural Lakes NAT Signed: Res. 2003 5/21/2003 C. 37

This resolve requires the Board of Environmental Protection, when adopting rules relating to protocols and procedures for evaluation of the resident biological community in water storage reservoirs, to recognize that water storage reservoirs are artificial and are not natural water bodies and to recognize and protect existing uses. The resolve also requires the DEP, when issuing licenses, permits and certifications prior to final adoption of the rules, to recognize that water storage reservoirs are artificial and are not natural water bodies and to ensure that the existing uses of water storage reservoirs are maintained and protected. The resolve provides that the goal of the rules or any license, permit or certification must be that the structure and function of the resident biological community that must be maintained in a water storage reservoir is the structure and function that would be expected to exist in a water storage reservoir with a drawdown of similar magnitude. Lastly, the resolve defines a "water storage reservoir" to be an impoundment associated with a hydropower project, as defined by Title 38, section 632, that was in existence prior to November 28, 1975, was not primarily lacustrine in its natural state, is classified under Title 38, section 465-A and is managed to store and release water on an annual cycle to benefit downstream hydropower generation.

**Sponsor:** Representative Clark

LD	TITLE	COMMITTEE	RESULT	REFERENCE
1137	An Act Regarding Riverine Impoundments	NAT	Signed: 5/23/2003	PL 2003 C. 257

This bill establishes requirements related to the measurement of dissolved oxygen within riverine impoundments. It provides that compliance with dissolved oxygen criteria in riverine impoundments may not be measured within 0.5 meters of the bottom of the riverine impoundment. Where mixing is inhibited due to thermal stratification, compliance with numeric dissolved oxygen criteria may not be measured below the higher of the point of thermal stratification or the point proposed by the DEP as an alternative depth based on all factors that would be included in a use attainability analysis and for which a use attainability analysis is conducted if required by the U.S. EPA. Where mixing is inhibited due to natural topographical features in a riverine impoundment, compliance with numeric dissolved oxygen criteria may not be measured within the portion that is isolated.

Sponsor: Representative Pineau

# 1212 An Act To Create the Bayside Utilities District UTE Signed: P&SL2003 5/2/2003 C. 9

This bill creates the Bayside Utilities District and allows the Northport Village Corporation to convey its water-related and sewer-related assets to the Bayside Utilities District.

**Sponsor:** Representative Ash

# 1234 Resolve, To Protect High and Moderate Value Waterfowl NAT Signed: Res. 2003 and Wading Bird Habitats 6/23/2003 C. 82

This resolve directs the Department of Inland Fisheries and Wildlife (DIF&W), through routine technical rulemaking, to define, identify and map all high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas, subject to a General Fund appropriation. The resolve also directs DIF&W to submit a report to the Natural Resources Committee and the Inland Fisheries and Wildlife Committee that contains a schedule for the mapping and a projected cost to map all high and moderate value waterfowl and wading bird habitats.

**Sponsor:** Representative Faircloth

# 1271 Resolve, To Study the Implementation of a Plan To Prohibit NAT the Discharge of Certain Wastewater into Coastal Waters Signed: Res. 2003 6/18/2003 C. 79 Emerg.

This emergency resolve requires the DEP to convene a stakeholder group and to develop a recommended plan for prohibiting or regulating the discharge of sewage and gray water from vessels into the coastal waters of the State. The stakeholder group must be convened no later than 30 days after the effective date of this resolve. By November 1, 2003, the department must submit to the Natural Resources Committee a recommended plan, including any legislation necessary for its implementation.

**Sponsor:** Representative Adams

LD	TITLE	COMMITTEE	RESULT	REFERENCE
1280	An Act to Improve Boating in Maine	IFW	Signed: 5/23/2003	

This bill prohibits the discharge of septic fluids from watercraft into the inland waters of the State.

**Sponsor:** Senator Bennett

#### 1297 An Act To Amend the Subdivision Laws

NAT Signed: PL 2003 5/21/2003 C. 226

This bill creates an exclusion from the requirement to obtain a permit for a subdivision under the DEP's laws regarding site location of development. A lot is excluded whose sale or lease created a subdivision that required a permit if the permit was not obtained and the subdivision has been in existence for at least 20 years. However, a lot is not exempt if the department denied approval of the subdivision or issued a notice of violation or if the lot has been the subject of an enforcement action.

**Sponsor:** Representative Saviello

## 1403 An Act To Amend a Requirement Concerning Dioxin NAT Signed: (DEP Bill) 5/15/200

NAT Signed: PL 2003 5/15/2003 C. 165

This bill changes the date by which a bleach kraft pulp mill that fails to meet fish-tissue sampling-result requirements for dioxin must demonstrate that its waste discharge is not the source of elevated dioxin in fish or be subject to potential enforcement action by the DEP and requires that the demonstration be made annually thereafter. The bill also changes the date, from May 1, 2003 to February 16, 2004, by which DEP and DHS must submit a comprehensive assessment on the progress in eliminating the discharge of dioxin from bleach kraft pulp mills in the State. Lastly, the bill deletes the annual requirement for DEP and DHS to submit progress reports.

**Sponsor:** Representative Daigle

# 1414 An Act To Amend the Laws Regarding Storage of Sand TRA Signed: PL 2003 and Salt and To Provide Funding for State and Municipal Storage Facilities

This bill exempts sand and salt storage areas owned by the Department of Transportation (MDOT) and registered prior to October 1, 1999 from violations of DEP's best management practices rules provided MDOT complies with the reporting requirements in 38 MRSA section 451-A. These areas are also exempt from violations of groundwater classifications adopted on or after January 1, 1980 with respect to discharges of groundwater from those areas if:

- A. MDOT biennially submits to the Legislature a budget request sufficient to comply with sections 451-A and 413;
- B. Prior to the use of funds appropriated by the Legislature to carry out the purposes of this subsection, MDOT presents to DEP for comment and response a plan for the use of those funds by outlining a sand and salt storage area specific expenditure plan to prevent pollution, avoid future abatement or clean-up costs and comply with applicable federal guidelines; and
- C. MDOT reports annually to DEP on the status of available funds and the DEP determines that, pursuant to this report, MDOT is making timely use of the funds consistent with the plan and comments provided pursuant to paragraph B above.

Lastly, the bill allocates \$125,000 from the Highway Fund for the construction of salt and sand storage facilities that will be used and owned by the Department of Transportation. It also allocates \$207,000

LD TITLE COMMITTEE RESULT REFERENCE

from the Highway Fund to reimburse municipalities for the construction of salt and sand storage facilities. \$77,000 of this allocation must be used to reimburse the Town of Patten for the costs that the town incurred in building a salt and sand storage facility.

**Sponsor:** Representative Usher

#### 1417 An Act To Make Changes to the Laws Governing **Aquaculture Leasing**

MAR

Signed: 5/21/2003

PL 2003 C. 247

This bill deletes the requirement that an aquaculture lease receive a water quality certification from the DEP. Water quality certifications are no longer necessary because, under federal NPDES delegation authority, the DEP issues wastewater discharge permits for aquaculture projects.

**Sponsor:** Representative Bull

#### 1485 Resolve, To Update Water Quality Criteria (DEP Bill)

**NAT** 

Signed: 5/21/2003 C. 39

Res. 2003

This resolve directs the DEP to review and to recommend any needed changes to the bacteria criteria for Class B waters, the bacteria criteria and dissolved oxygen standard for Class C waters and the dissolved oxygen standard for estuarine and marine waters. It also authorizes the Natural Resources Committee to report out legislation on these issues to the Second Regular Session of the 121st Legislature.

**Sponsor:** Senator Martin

#### 1493 An Act to Expedite the Removal of Overboard Discharge (DEP Bill)

**NAT** Signed: PL 2003

5/21/2003 C. 246

This DEP bill was unanimously reported out of committee as amended. It does the following:

- 1. It consolidates the annual fees for overboard discharge (OBD) licensing and inspection into one fee. The base fee for certain discharges is increased while several fee reductions based on income are consolidated into one fee reduction based on income. The average residential OBD owner's total annual fee will increase from \$165 to \$190. However, if the homeowner's income is less than \$15,000 per year, their total fee could be as little as \$65. The average small business owner's annual fee would increase by \$25.
- 2. It changes the existing grant program from one that determines the amount of grant based on facility use to one that determines the grant based on the applicant's annual income.
- 3. It provides grant funds, based on the ability to pay, to anyone removing that person's overboard discharge system, not just to a person whose overboard discharge system is targeted for removal by the grant program.
- 4. It requires that, prior to transfer of any property with an overboard discharge, the property must be evaluated as to whether an alternative system can be installed and requires the installation of that system if possible. However, if it has been demonstrated within 5 years prior to a property transfer that there is no technologically proven alternative to an overboard discharge, the parties to a transfer of the property do not need to determine whether there are any technologically proven alternatives.
- 5. It clarifies the requirement for maintenance contracts for certain types of overboard discharges previously stipulated in law and eliminates language prescribing the number of inspections to be conducted by the department.
- 6. It eliminates the waiver of department inspection and additional requirements and penalties for homeowners that choose to hire a private service contractor to maintain their overboard discharge. The bill also eliminates the fee reduction for owners who hire a service contractor.

LD TITLE COMMITTEE RESULT REFERENCE

- 7. It requires that, at the time of relicensing, all overboard discharge owners evaluate whether they have an alternative to the overboard discharge and install the alternative when possible.
- 8. It provides that grant money to all owners required to remove overboard discharge must be based on their ability to pay and that, if no grant money is available, the installation may be postponed until grant money is available.
- 9. It eliminates the conditional permit provision in current law and clarifies the determination of flow volume and seasonal use and provides greater flexibility for the homeowner to prove year-round use.
- 10. It restricts the DEP's authority to require the installation of holding tanks on seasonal overboard discharges. It also deletes a section of law that provided for license terms prior to the State's being delegated authority to issue permits under the Federal Water Pollution Control Act.

Sponsor: Representative Daigle

## 1529 An Act To Reclassify Certain Waters of the State (DEP Bill)

NAT Signed: PL 2003 5/27/2003 C. 317

This is the DEP's water reclassification bill. It reclassifies certain surface waters of the State and authorizes the Natural Resources Committee to report out legislation next session with regards to certain AA reclassifications and to define and identify subsistence fishing as a designated use for certain waters. The bill also provides for license limits for total residual chlorine and bacteria for existing discharges of wastewater on a segment of the Kennebec River in Augusta.

**Sponsor:** Speaker Colwell

# 1570 An Act Concerning Storm Water Management (DEP Bill)

NAT

Signed: PL 2003

5/27/2003 C. 318

Emerg.

This is the DEP's storm water bill. It does the following.

- 1. It amends Maine's storm water management law to extend the review period from 60 to 90 days for applicants proposing to use structural means to control stormwater.
- 2. It allows the discharge of storm water to waters having a drainage area of less than 10 square miles if the discharge is in compliance with state and local requirements.
- 3. It provides that certain discharge limitations do not apply to the discharge of storm water.
- 4. It provides that storm water discharges to Class A waters must be in compliance with state and local requirements.
- 5. It clarifies that material may not be deposited on the banks of Class A waters in any manner that makes transfer of pollutants into the waters likely.
- 6. It requires the DEP to report to the Natural Resources Committee by February 1, 2004. The report must include recommendations for improving the effectiveness of storm water management in Maine and may include draft rules pursuant to state law that regulate storm water discharges to impaired waters from existing development where necessary to allow restoration of water quality and from new development both during and after construction. The department is required to consult with state and federal agencies and environmental and business interest groups when considering recommendations. The Natural Resources Committee is authorized to report out legislation related to storm water management to the Second Regular Session of the 121st Legislature.

Sponsor: Senator Martin

LD	TITLE	COMMITTEE	RESULT	REFERENCE
483	An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2003	AFA	Signed: 2/13/2003 Emerg.	PL 2003 C. 2

This is the Supplemental Budget bill for FY 2003 (July 1, 2002 – June 30, 2003). It contains the following provisions affecting the DEP.

- 1. It deappropriates \$7,891 in All Other, General Fund monies in order to meet targeted budgetary reductions.
- 2. It allocates \$23,016 in Personal Services, Federal Fund monies for approved reclassifications and range changes.
- 3. It allocates \$27,867 in Personal Services, Other Special Revenue monies for approved reclassifications and range changes.
- 4. It requires the State Controller to transfer \$286,000 from MEPF to the unappropriated surplus of the General Fund no later than June 30, 2003.

**Sponsor:** Representative Brannigan

# 669 An Act To Strengthen the Energy Resources Council UTE Signed: PL 2003 6/23/2003 C. 487 Emerg.

This bill changes the funding support for the Energy Resources Council. Prior to this, funding for the council was provided by member agencies. This bill directs the council to seek federal funding. To the extent such funding is insufficient, member agencies are directed to enter into an agreement to share the costs of staff. It also authorizes the council to seek, and the Public Utilities Commission to provide, up to \$200,000 from the conservation program fund to support legislatively directed activities of the council and projects generally consistent with the purposes of the program fund.

The bill also directs the council to undertake a study of energy-related policy and its implementation, with particular focus on energy efficiency and renewable energy. It provides for 4 members of the Legislature to be appointed to participate in the council's study. The bill authorizes the council to hold up to 4 meetings to conduct its review, including one public hearing on its draft findings and recommendations, prior to preparing its final draft report. The council is required to submit its report to the Utilities and Energy Committee by December 3, 2003 and the committee is authorized to report out a bill in response to the report.

**Sponsor:** Senator Hall

#### 826 Resolve, To Allow Certain State Employees To Be Voting Board Members of Project SHARE BRED Signed: Res. 2003 5/2/2003 C. 8

This bill allows an employee of the Department of Environmental Protection, the Department of Conservation, the Department of Marine Resources, the Department of Agriculture, Food and Rural Resources or the Department of Inland Fisheries and Wildlife to serve on behalf of the State as a member of the board of directors of the nonprofit corporation known as "Project SHARE," as long as the employee is elected to serve on the board pursuant to the bylaws of the corporation.

**Sponsor:** Representative Dunlap

LD	TITLE	COMMITTEE	RESULT	REFERENCE
1319	An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005	AFA	Signed: 3/27/2003 Emerg.	PL 2003 C. 20

This is the State's biennial budget bill for FY 2004 (July 1, 2003 – June 30, 2004) and FY 2005 (July 1, 2004 – June 30, 2005). It contains the following provisions affecting the DEP.

- 1. It provides appropriations and allocations from General, Federal, and Other Special Revenue Funds totaling almost \$134 million to finance the operations of the department over the next two fiscal years. This includes authorized personal services funding of approximately \$66 million for roughly 452 staff positions.
- 2. It provides for the elimination, from the General Fund, of the following positions:
  - A. one vacant Biologist II position in the Bureau of Land and Water Quality,
  - B. one Assistant Environmental Engineer position in the Bureau of Land and Water Quality; and
  - C. one Public Service Coordinator I position in the Office of the Commissioner.
- 3. It provides a \$30,000 General Fund appropriation in FY 2004 and FY 2005 to MJETCC for wastewater management training programs.
- 4. It provides a \$70,000 General Fund appropriation in FY 2004 and FY 2005 to the Casco Bay Estuary Project to protect and restore the health and integrity of the Casco Bay ecosystem and watershed.
- 5. It requires DAFS to review the ACE Service Center and remaining financial and personnel structures located in DOC, DEP and DAFRR to improve efficiency and cost-effectiveness.
- 6. It extends the voluntary employee incentive program, including a 50% workweek option, flexible position staffing and time off without pay.

**Sponsor:** Representative Brannigan

# 1456 An Act To Establish the Landowners and Sportsmen IFW Signed: PL 2003 Relations Advisory Board 5/23/2003 C. 280

This bill establishes the Landowners and Sportsmen Relations Advisory Board. The Commissioner of Environmental Protection or the commissioner's designee is one of nine members of the board.

**Sponsor:** Representative Dunlap

# 1528 An Act To Permit Electronic Notification of Rulemaking SLG Signed: PL 2003 for Interested Parties 5/16/2003 C. 207 Emerg.

Prior to this law, the written notice required in the agency rule-making process needed to be made by delivery or mail to statutorily specified recipients. This bill permits required notice to be given to recipients via electronic mail, so long as those recipients have agreed in advance that such a manner of notice is acceptable. The bill also permits copies of proposed rules to be distributed in the same manner by agencies. As a result, the bill provides agencies with another medium by which to distribute rule-making information and conserves paper resources.

**Sponsor:** Representative McLaughlin

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## 1547 An Act To Amend Certain Laws Administered by the Department of Environmental Protection (DEP Bill)

NAT Signed: PL 2003 5/21/2003 C. 245

This is the DEP's "omnibus" bill. It was unanimously reported out of committee as amended and does the following.

- 1. It corrects an inadvertent error and inconsistency created last session when the open burning statute was amended.
- 2. It increases the cap on allocations for the Board of Environmental Protection Fund within the DEP from \$250,000 annually to \$325,000 annually to meet rising personnel salary and benefit costs for the next several years, including the filling of the Executive Analyst position in the past biennium, and a rise in operating costs, due to a modest increase in general workload from broader public involvement in the licensing and appeal processes, which has resulted in more frequent meetings of the board. The last increase in the allocation cap was in 1997.
- 3. It clarifies the statute governing the DEP's enforcement authority. The Maine Rules of Civil Procedure, Rule 80K allows the department and municipalities to prosecute environmental violations in District Court. Municipalities consistently have 80K actions commenced by both certified nonlawyer code enforcement officers and town attorneys. The department has historically not had employees who are also licensed active members of the bar file cases on the department's behalf since the rule is ambiguous as to whether such a practice is appropriate. This change in the law makes clear that a department practice consistent with current municipal practices is appropriate.
- 4. It repeals the enabling language for the requirement of priority studies because the tasks described in the statute have been completed and the project is no longer active.
- 5. It clarifies that an action in court can not be determined to start at any point prior to compliance with court rules. The Maine Rules of Civil Procedure, Rule 80K allows the department and municipalities to prosecute environmental violations in District Court. There is ambiguity between the Maine Revised Statutes, Title 38, section 347-A and the Maine Rules of Civil Procedure, Rule 3 as to the point in time when an action in District Court should be considered to have been initiated.
- 6. It repeals the requirement of annual reporting to the Legislature by the Commissioner of Environmental Protection on unavoidable malfunctions.
- 7. It amends the statutes to change a hearing and reporting requirement concerning classification standards from once every 3 years to once every 4 years.
- 8. It amends the statutes to make the creation of a wetland compensation fee program optional rather than mandatory, specifically adds municipalities to the types of organizations that may create a wetland compensation fee program, deletes the mandatory annual reporting requirement for any such program and deletes the requirement that funds from such a program are turned over to the department if the department's authorization of that program is revoked.
- 9. It repeals the requirement of annual reporting to the Legislature on the wetlands compensation fee program.
- 10. It repeals the provision that repeals the wetland compensation fee program effective October 15, 2003.
- 11. It makes the changes necessary to extend the sunset date for coverage of oil spill cleanup costs by the Ground Water Oil Clean-up Fund. The fund covers cleanup costs for spills from aboveground or underground oil tanks through December 31, 2005, at which point fund coverage, also called the fund insurance program, is repealed under current law. This bill extends the fund insurance program by 5 years to December 31, 2010.
- 12. It incorporates by reference the latest version of the federal regulations governing spill prevention and control at aboveground oil storage facilities. The purpose of this change is to ensure state and federal requirements are consistent with each other.

**Sponsor:** Representative Koffman

COMMITTEE

RESULT

REFERENCE

TITLE

		. = .	<b>.</b>	DT 4004
1614	An Act To Make Supplemental Appropriations and	AFA	Signed:	PL 2003
	Allocations for the Expenditures of State Government and		6/12/2003	C. 451
	To Change Certain Provisions of the Law Necessary to the		Emerg.	
	Proper Operations of State Government for the Fiscal Year	S		
	Ending June 30, 2003, June 30, 2004 and June 30, 2005			

This is the session's second Supplemental Budget bill for FY 2003 (July 1, 2002 – June 30, 2003), FY 2004 (July 1, 2003 – June 30, 2004) and FY 2005 (July 1, 2004 – June 30, 2005). The following is a partial listing of provisions affecting the DEP.

- 1. It provides for the allocation of MEPF funds for one Environmental Engineer position and one Environmental Specialist II position to meet federal requirements of the Storm water Phase II program.
- 2. It provides for the allocation of Other Special Revenue funds to extend one limited-period Environmental Specialist IV position to support timely enforcement actions in the Bureau of Remediation and Waste Management. The position will end on June 18, 2005.
- 3. It provides for the allocation of Federal Expenditures funds under the Performance Partnership Grant to extend one limited-period Environmental Specialist III position through FY 2004 to support the hazardous waste corrective action program.
- 4. It provides for the allocation of Other Special Revenue funds in the Office of the Commissioner for the EPA One-Stop limited-period Director of Special Projects position to be extended through the biennium
- 5. It provides for the allocation of approximately \$1.4 million in Other Special Revenue funds for capital purchases in the Bureau of Remediation and Waste Management.
- 6. It provides allocations from Federal Expenditures and Other Special Revenue funds in the amount of \$122,071 for various reclassifications and range changes in FY 2004 and FY 2005.
- 7. It provides for a \$60,839 General Fund deappropriation in the Bureau of Remediation and Waste Management for the reduction of contracts, travel, printing, photocopying, supplies, rents, repairs and phone expenses in FY 2004 and FY 2005.
- 8. It requires the Commissioner of Administrative and Financial Services to submit legislation to the Second Regular Session of the 121<sup>st</sup> Legislature to address restructuring of State Government agencies, consolidation of services and other efficiencies in order to achieve cost savings.
- 9. It requires the DEP to develop an internal accounting and administrative control system in accordance with certain internal control guidelines established by the State Controller.
- 10. It provides for the transfer of \$25,000 from the Hazardous Waste Fund to the unappropriated surplus of the General Fund in FY 2004 and FY 2005.
- 11. It provides for the transfer of \$35,990 from the Groundwater Oil Clean-up Fund to the unappropriated surplus of the General Fund in FY 2004 and FY 2005.
- 12. It provides for the transfer of \$117,926 from MEPF to the unappropriated surplus of the General Fund in FY 2004 and FY 2005.
- 13. It provides for the transfer of \$5,000 from the State Revolving Fund to the unappropriated surplus of the General Fund in FY 2004 and FY 2005.
- 14. It provides for a \$1,400 General Fund deappropriation in FY 2003 as a result of identified savings in the Bureau of Land and Water Quality.

**Sponsor:** Representative Brannigan

LD

LD	TITLE	COMMITTEE	RESULT	REFERENCE	
188	An Act To Amend the Waste Management Laws Regarding the Spreading of Sludge on Land	NAT	Signed: 5/21/2003	PL 2003 C. 231	

This bill provides that the utilization and distribution of residuals that contain human pathogens, such as municipal treatment plant sludge, is not eligible for licensing by permit by rule. The bill also directs the DEP to establish a list of interested parties to whom notice of applications for the distribution of composted sludge must be provided. The notice must also be distributed via electronic mail to all municipalities that are equipped to receive electronic mail. Lastly, the bill provides that any amendment of Board of Environmental Protection rules to make the rules consistent with this bill is a routine technical rule.

**Sponsor:** Representative Rines

#### 341 An Act To Require Information on New Wells BRED

This bill requires the Maine Water Well Commission to develop routine technical rules to ensure that well contractors record and maintain information in a permanent manner, including, but not limited to, the name of the contractor, the date of the work, the depth of the well and the well yield rate.

**Sponsor:** Representative Rogers

# 346 Resolve, Authorizing the Commissioner of Inland IFW Signed: Res. 2003 Fisheries and Wildlife To Allow a Well and Waterline Easement Emerg.

This resolve allows the Commissioner of Inland Fisheries and Wildlife to enter into an amendment of the conservation easement in the Rangeley River conservation corridor. The commissioner may enter into an amendment of the conservation easement to allow the Oquossoc Standard Water District to drill wells near the existing waterline and connect the wells to it, if the commissioner finds that the conservation values of the conservation corridor will not be adversely affected.

**Sponsor:** Senator Woodcock

# 385 An Act to Change the Reporting Requirements for the NAT Signed: PL 2003 Mercury Switch Removal Program 3/18/2003 C. 6

Current law requires the Department of Environmental Protection to report on the effectiveness of source separation of mercury-added products before January 1, 2005. This bill moves the reporting date up to January 1, 2004.

**Sponsor:** Representative Cowger

Signed:

5/13/2003 C. 126

PL 2003

LD	TITLE	COMMITTEE	RESULT	REFERENCE	
396	An Act To Allow Dealers of Manufactured Housing To Install Oil Tanks	BRED	Signed: 4/25/2003	PL 2003 C. 89	

This bill allows an employee of a manufactured housing dealer or owner of a manufactured housing dealership to install oil tanks in housing sold by the dealer or dealership if the employee or owner is the named corecipient of a joint limited license issued for this limited purpose. The joint limited license requires the named employee or owner to complete 4 hours of training, and is revoked upon that employee's termination from the dealer's employ or the owner's dealership ceasing to operate as a manufactured housing dealer.

**Sponsor:** Senator Bennett

# 596 An Act To Improve the Effectiveness of the Maine Coastal and Inland Surface Oil Clean-up Fund 5/13/2003 C. 137

This bill increases from \$100,000 to \$250,000 the limit within the Maine Coastal and Inland Surface Oil Clean-up Fund available for research and development. It also requires researchers who receive funds for research and development to use vessels based in the State as platforms when practicable.

**Sponsor:** Senator Bromley

# An Act to Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Site in Plymouth NAT Signed: PL 2003 5/13/2003 C. 129

This bill authorizes the Finance Authority of Maine to provide loans to potentially responsible parties for the cost of implementing institutional controls at the federally designated Superfund site at Hows Corner in Plymouth. The bill also allows money in the loan fund to be used for attorney's fees incurred for the preparation of restrictive covenants for properties within the institutional control zone in order to implement the institutional controls. The bill also provides that applications for loans must be submitted to FAME within 90 days after the effective date of the bill. Finally, the bill deletes the requirement for FAME to establish a registry of all persons who are eligible for loans.

**Sponsor:** Representative Carr

# 743 An Act To Develop a Plan for Cathode Ray Tube Disposal NAT Signed: PL 2003 5/14/2003 C. 150

This bill proposes to ban the disposal of cathode ray tubes, that are not already prohibited from disposal under the hazardous waste rules, in solid waste disposal facilities beginning January 1, 2006. The bill also requires the DEP to convene a stakeholder group and to develop a recommended plan, utilizing the concept of shared responsibility among manufacturers, distributors, retailers, consumers and other parties, for the collection and recycling of cathode ray tubes. Under the bill, DEP must submit the recommended plan to the Natural Resources Committee by January 30, 2004. The bill authorizes the committee to report out legislation during the Second Regular Session of the 121st Legislature.

**Sponsor:** Representative Thompson

LD	TILE	COMMITTEE	KESULI	REFERENCE
1159	An Act To Reduce Mercury Use in Measuring Devices and Switches	NAT	Signed: 5/19/2003	

This bill bans the sale of mercury switches, mercury relays and certain mercury-added measuring devices and instruments effective July 1, 2006. However, the ban does not apply if the use of the product is a federal requirement. Manufacturers and users of the targeted mercury-added products may apply to the DEP for an exemption from the sales prohibition. The DEP may require individuals who receive an exemption to maintain records and provide reasonable reports to the department that characterize mercury use. The Board of Environmental Protection is required to adopt routine technical rules for processing exemption applications that provide for public participation.

The bill also requires the DEP to submit to the Natural Resources Committee a plan to significantly improve the collection of mercury-added thermostats. The plan must be submitted to the committee by January 15, 2004. The committee is authorized to report out legislation relating to the collection of mercury-added thermostats during the Second Regular Session of the 121st Legislature.

Sponsor: Representative Koffman for NAT pursuant to PL 2001 Chapter 620

#### 1309 An Act To Protect Public Health by Reducing Human NAT Signed: PL 2003 Exposure to Arsenic 6/13/2003 C. 457

This bill does the following.

ID

- 1. It requires the seller of residential real property to provide to the purchaser information developed by DHS on arsenic in private water supplies and treated wood.
- 2. It prohibits, as of the effective date of the legislation, retail businesses from purchasing arsenic-treated wood or wood products for residential uses that are not included as permitted uses in a notice of cancellation order issued by the United States Environmental Protection Agency (EPA).
- 3. It prohibits, as of April 1, 2004, the sale of arsenic-treated wood or wood products for residential uses that are not included as permitted uses in a notice of cancellation order issued by EPA.
- 4. It prohibits the admission of the statute pertaining to arsenic-treated wood into evidence in any private-party civil proceeding against any wholesaler, retailer or installer of arsenic-treated wood.
- 5. It requires the DEP to develop a disposal plan for the safe management of arsenic-treated wood waste.
- 6. It requires DHS to submit a report on the need for a comprehensive safe drinking water program for private wells to address arsenic.
- 7. It requires the Real Estate Commission to submit a report on the efforts within the real estate industry to increase awareness among real estate licensees and buyers and sellers of residential real estate of the hazards of arsenic in water supplies and treated wood, the need to test for arsenic in private water supplies and the need to identify and regularly coat with a sealant arsenic-treated wood structures.
- 8. It directs the DEP to submit a report that contains a market evaluation of the sale and uses of arsenic-treated wood that are not prohibited under this legislation.

**Sponsor:** Representative Cowger

LD	TITLE	COMMITTEE	RESULT	REFERENCE
1367	An Act To Amend the Laws Regarding Junkyards, Automobile Graveyards and Automobile Recycling Businesses	NAT	Signed: 5/27/2003	PL 2003 C. 312

This bill amends the State's junkyard statutes in several ways for the purpose of improving the ability of municipalities to appropriately license junkyards, automobile recycling businesses and automobile graveyards.

The bill does the following.

- 1. It changes the standard that defines an automobile graveyard from 3 or more "unserviceable" motor vehicles to 3 or more uninspected or unregistered motor vehicles and provides exemptions from regulation for certain automobile storage and parking activities.
- 2. It establishes basic operational standards for all junkyards, automobile graveyards and automobile recycling businesses to provide minimal environmental protection. It creates a 100-foot setback from bodies of water for the placement of junked automobiles that contain fluids and increases from 100 feet to 300 feet the setback of newly licensed facilities from public or private drinking water supplies.
- 3. It establishes a process to notify abutters of the public hearing held prior to the issuance of any new junkyard's, automobile graveyard's or automobile recycling business's first license and incorporates into statute fencing and screening standards previously located in the Maine Department of Transportation regulations.
- 4. It specifies that, beginning in 2004, permits issued to automobile graveyards or junkyards are valid until October of the following year.
- 5. It limits the ban on new permits for automobile graveyards or junkyards to areas that are located within 300 feet of a public building, public park, public playground, public bathing beach, school, church or cemetery.
- 6. It clarifies the ability of municipalities to enforce the provisions of the State's junkyard law and effect the abatement of junkyard nuisances. It specifies that a municipality has 3 available methods to recover the costs of prosecuting a junkyard violation: a civil action, a lien on the real estate or a special tax assessment as municipalities are currently authorized to recover the costs of abating a failed septic system.

**Sponsor:** Representative Hutton

#### 1549 An Act To Fund Municipal Collection of Household NAT Signed: P&SL 2003 Hazardous Waste 6/18/2003 C. 30

This bill requires the Finance Authority of Maine (FAME) to transfer \$438,820 from the Waste Reduction and Recycling Loan Fund to the Maine Solid Waste Management Fund by no later than June 30, 2004. FAME is also required to transfer principal and interest repayments received in the Waste Reduction and Recycling Loan Fund to the Maine Solid Waste Management Fund within 60 days of receipt. The estimated average annual principal and interest repayments will be approximately \$46,478 per year with the last payment date of the current outstanding loans being November 2017.

The funds must be transferred from the Maine Solid Waste Management Fund in accordance with the following:

1. At least 90% of the funds must be made available as state cost share to municipalities by the State Planning Office;

LD TITLE COMMITTEE RESULT REFERENCE

- 2. Up to 5% of the funds may be transferred to the DEP or the State Planning Office to develop and carry out education and outreach activities related to proper management of household hazardous waste; and
- 3. Up to 5% of the funds may be transferred to the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to support achievement of the pesticide use minimization goal set forth in statute.

The bill also requires DEP to conduct a study regarding ongoing sources of funding for municipal collection of hazardous waste. The department is required to submit its recommendations to the Natural Resources Committee no later than January 4, 2004.

Lastly, the Natural Resources Committee is required to report out legislation during the Second Regular Session of the 121st Legislature concerning ongoing sources of funding for municipal collection of household hazardous waste.

**Sponsor:** Representative Koffman

#### 1604 An Act To Expedite the Drilling of Private Drinking **NAT** Signed: Water Wells 5/30/2003 C. 373

This bill allows all excavators to begin excavation immediately in locations in which all facility owners have indicated to the excavator or to the system that no underground facilities exist. The bill also directs the Public Utilities Commission to establish by rule notice requirements for excavation associated with drinking water well construction. The rules are major substantive rules and must be submitted to the Utilities and Energy Committee by February 1, 2004.

**Sponsor:** Senator Martin

#### 1626 Resolve, To Authorize the State To Purchase a Landfill NAT Signed: Res. 2003 6/23/2003 C. 93 in the City of Old Town

This bill does the following.

- 1. It authorizes the State Planning Office (SPO) to acquire, subject to a possibility of reverter to the seller, own and cause to be operated an existing, DEP-licensed and generator-owned solid waste disposal facility located in Old Town under terms and conditions that are revenue-neutral to the State.
- 2. It authorizes SPO to enter into such contracts as the office determines are necessary or appropriate.
- 3. It requires that the acquisition agreement provide that the current owner is responsible for environmental liability associated with the operation of the disposal facility prior to acquisition by the office.
- 4. It requires that the agreement for the operation of the disposal facility be established through competitive bidding and that the operator must indemnify the office for liabilities and costs of the office resulting from the acquisition, development and operation of the disposal facility.
- 5. It requires the City of Old Town and the Town of Alton to establish a joint citizen advisory committee with the same host community responsibilities as currently provided in state law.
- 6. It requires SPO to require persons submitting proposals to submit a nonrefundable deposit to offset the office's costs associated with the transactions and the cost to the City of Old Town and the Town of Alton to establish the joint citizen advisory committee.
- 7. It provides that the resolve does not abrogate the sovereign immunity of the State with respect to the acquisition.

PL 2003

LD TITLE COMMITTEE RESULT REFERENCE

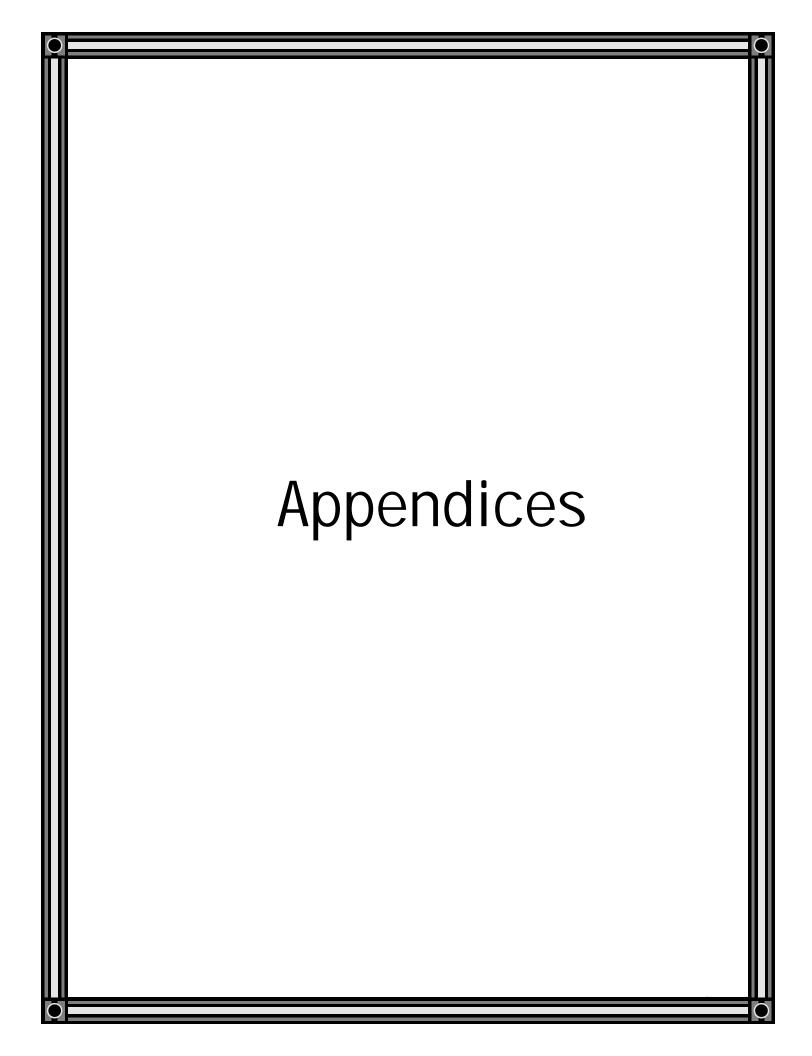
- 8. It provides that the City of Old Town may not regulate the operation of the disposal facility. However, it allows Old Town to enact an ordinance that regulates the expansion of the disposal facility as long as the ordinance does not contain stricter standards than certain standards contained in 38 MRSA, Chapters 3 and 13.
- 9. It requires SPO to submit a report to the Natural Resources Committee on the process of acquiring the disposal facility and reviewing the facility's operation. The report must be submitted to the committee by February 15, 2004.

**Sponsor:** Representative Dunlap

1628 Resolve, Concerning Reauthorization of a 1997 Pollution AFA Signed: Res. 2003 Control Bond Issue 6/11/2003 C. 72

This resolve reauthorizes a 1997, \$13 million pollution control bond issue. This will enable the State Treasurer to sell the remaining \$1.0 million in bonds authorized but not yet issued which DEP requires to meet its projected plan for the cleanup of remaining large tire stockpiles in 2004.

**Sponsor:** Senator Martin



### Appendix I

#### Bills Tracked by the Department but not Enacted by the Legislature

1)	24	An Act to Create the State Government Information Clearinghouse
2)	30	An Act to Appropriate Funds for Special Testing at the Norridgewock Landfill
3)	70	Resolve, to Provide for the Effective Implementation of Anadromous Fish Restoration on the Upper Kennebec River System
4)	108	Resolution, Proposing an Amendment to the Constitution of Maine to Allow Transportation Revenues to Fund a Flexible and Modern Transportation Policy
5)	109	An Act to Exempt from Tax State-mandated Fish Passage Facilities
6)	110	An Act to Clarify Rights of Retainage in Public Construction Contracts
7)	134	Resolve, To Regulate the Disposal of Dental Mercury Amalgam
8)	215	Resolve, to Direct the Department of Environmental Protection to Create Statewide Standards for Incinerators
9)	252	An Act to Require that Agency Rules be Reviewed by the Legislature
10)	271	An Act To Improve Guidance to the Commissioner of Marine Resources for Granting Marine Aquaculture Leases
11)	272	An Act to Expand Aquaculture Site Location Criteria to Include Aesthetic Impact and Proper Value Changes
12)	302	An Act To Make Adjustments to the Renewable Energy Portfolio
13)	308	An Act to Streamline Maine's Planning Process
14)	317	An Act To Prohibit Expenditures To Implement Treaties Not Ratified by the United States Senate
15)	387	An Act To Exempt Biodiesel Fuel from the Special Fuel Tax
16)	437	An Act To Ensure Opportunity for Public Comment at Meetings of Sanitary Districts
17)	449	An Act To Require All Fees, Fines and Penalties To Be Deposited into the General Fund
18)	490	An Act Concerning Citizen's Property Rights
19)	508	An Act To Transfer Regulation of Towers and Transmitters to Municipalities
20)	512	An Act To Promote Economic Development in Rural Maine
21)	517	An Act To Ensure Legislative Oversight of Major Environmental Policy Proposals
22)	544	An Act To Improve Rights to Marine Resources
23)	552	An Act To Establish Cleaning Stations for Boats Entering Maine
24)	574	An Act To Clarify the Definition of Commercial Agricultural Production
25)	590	An Act To Regulate the Disposal of Computers and Related Equipment
26)	623	An Act To Amend Shoreline Zoning
27)	632	An Act to Establish a Process to Classify Water Bodies as Impaired
28)	633	An Act To Provide for Local Approval of Existing or Former Hydropower Projects To Enable Prioritization of Renewable Indigenous Energy Generation in Maine
29)	648	An Act Clarifying Municipalities' Authority to Assign Mooring Permits

- 30) 651 An Act To Address Reporting of Certain Low-quantity Oil Releases
- 31) 652 An Act To Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for Economic Development
- 32) 664 An Act To Make Changes to the Laws Governing the Tax on Motor Fuel
- 33) 670 An Act Regarding the Disposal of Sludge
- 34) 714 An Act To Establish the Allagash Waterway Advisory Council
- 35) 799 Resolve, To Improve Energy Efficiency in New School Buildings
- 36) 803 An Act To Ensure the Rights of Host Communities Regarding the Construction and Operation of State-owned Solid Waste Disposal Facilities
- 37) 817 An Act To Amend the Laws Governing Sand and Salt Sheds
- 38) 824 Resolve, To Improve Fisheries Management in Hancock County
- 39) 829 An Act To Strengthen the State's Air Toxics Laws
- 40) 833 An Act To Facilitate Economic Development in Maine
- 41) 851 An Act To Test for and Reduce Mercury Emissions from Resource Recovery Facilities
- 42) 853 An Act To Promote Livable, Affordable Neighborhoods
- 43) 885 An Act To Authorize a General Fund Bond Issue in the Amount of \$50,000,000 to Promote Revitalization of Service Center Communities through Infrastructure Improvements
- 44) 886 An Act To Require State Reimbursement When Laws or Rules Devalue Private Property
- 45) 927 An Act To Require an Impact Statement on Legislation Relating to the Department of Environmental Protection and the Executive Department, State Planning Office
- 46) 933 An Act to Require Public Notification of Herbicide Applications in the State's Great Ponds
- 47) 946 Resolve, To Establish the Commission To Promote Jobs and Economic Development through Ecotourism
- 48) 948 An Act to Ensure Clean Air in Communities Affected by Privately Owned Incinerator Facilities
- 49) 972 An Act To Provide a Preference for State Residents in the Awarding of Government Contracts
- 50) 1001 An Act To Modify the Criteria for Approval of Aquaculture Leases
- 51) 1003 An Act to Protect the Public from Floodwater Contamination in Shellfish
- 52) 1011 An Act To Establish Minimum Environmental Compliance Standards for Subsidized Employers
- 53) 1016 Resolve, Directing Certain State Agencies To Renegotiate an Agreement Regarding Dams on the Sebasticook River
- 54) 1034 An Act To Require Certain Agencies To Track Votes of Board and Commission Members
- 55) 1053 An Act To Enhance Renewable Power
- 56) 1056 Resolve, To Ensure Orderly Planning for the Allagash Wilderness Waterway
- 57) 1064 An Act to Reduce the Size of All Departments and Agencies
- 58) 1071 An Act To Encourage the Use of Clean Fuel Vehicles
- 59) 1084 An Act To Provide Incentives for Affordable Neighborhood Developments
- 60) 1088 Resolve, To Create a Study Committee To Consider Bay Management Planning
- 61) 1118 An Act To Study the Consolidation and Regionalization of Programs at All Levels of Government
- 62) 1134 Resolve, Establishing a Study Group To Improve the Planning and Management for Multiple Uses of Marine Waters
- 63) 1136 An Act To Amend the Maine Business Corporation Act

- 64) 1143 An Act Concerning Endangered and Invasive Plant Species
- 65) 1161 An Act To Exempt Saltwater-only Boats from the Lake and River Protection Sticker Requirements
- 66) 1187 An Act to Establish Minimum Energy Efficiency Standards for Products Sold in the State
- 67) 1203 An Act Concerning Executive Sessions of Public Bodies
- 68) 1213 An Act To Establish a Modern Transportation Policy
- 69) 1223 An Act Relating to Retirement Qualifications for Hazardous Materials Workers
- 70) 1246 Resolve, Regarding Searches of Curtilage by Certain State Agencies
- 71) 1255 An Act To Permit Sebago Lake Mooring Extensions
- 72) 1263 Resolve, To Promote Construction of Off-road Bike and Walking Paths along the Busiest Commuting Corridors of the State
- 73) 1276 An Act To Amend the Sand Dune Laws
- 74) 1305 An Act to Require Water Tests Prior to the Sale of Homes
- 75) 1320 An Act To Extend Tax Increment Financing Zones To Include the Development of Largescale Affordable Housing
- 76) 1373 Resolve, To Establish the Commission on Comprehensive Energy Planning
- 77) 1472 An Act To Protect Maine's Water as a Natural Resource
- 78) 1474 An Act Concerning Public Boat Launch Sites

#### **Appendix II**

# Bills Tracked by the Department but which have no Direct impact on Department Responsibilities

1)	199	An Act to Protect Children from Cancer-causing Chemicals
2)	274	An Act to Correct Errors and Inconsistencies in the Laws of Maine
3)	303	An Act To Increase Protection for Endangered and Threatened Species
4)	352	An Act To Encourage Energy Efficiency and Security
5)	463	An Act to Enhance Integration of Transportation and Land Use Planning
6)	472	Resolve, To Establish the Task Force To Study Regulatory Barriers to Affordable Housing
7)	531	An Act To Clarify the Use of Municipal Rate of Growth Ordinances
8)	606	An Act To Improve State Accounting Procedures
9)	655	An Act To Revise the Charter of the Brunswick Sewer District
10)	693	An Act To Ensure the Safety of Children Touring Hazardous Facilities
11)	695	An Act To Amend the Laws Governing Minimum Lot Size
12)	777	An Act To Amend the Laws Regarding the Location of the Wells National Estuarine Research Reserve
13)	805	An Act To Create a Sustainable Energy Trust Fund
14)	967	An Act To Amend the Charter of the Madawaska Water District
15)	985	An Act To Improve the State's Returnable Bottle Law and Adjust Handling Fees
16)	995	An Act To Exempt a Person Who Performs Work on Certain Vessels from the Laws Governing Professional Engineers
17)	1009	An Act Concerning Retirement Benefits for State Employees
18)	1252	An Act To Authorize Water and Wastewater Districts To Lease Their Assets
19)	1358	Resolve, To Reestablish the Commission To Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine
20)	1385	An Act To Establish the Pine Tree Development Zones Program
21)	1396	Resolve, Regarding Legislative Review of Portions of Chapter 2: Aquaculture Lease Regulations, a Major Substantive Rule of the Department of Marine Resources
22)	1398	An Act To Modify Water Well Reporting Requirements
23)	1515	An Act To Promote and Monitor Competition in the Solid Waste Industry
24)	1519	Resolve, To Establish a Task Force on the Planning and Development of Marine Aquaculture in Maine
25)	1543	An Act To Modify the Exemption for Compost under the Nutrient Management Law and the Nutrient Management Review Board's Authority To Hear Appeals
26)	1574	An Act To Make Additional Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2003
27)	1617	An Act To Improve Subdivision Standards

#### Appendix III

# Bills Requiring DEP Studies, Reports, Recommendations, Evaluations or Rule-making

# 1.) LD 242 Resolve, Relating to the Consideration of the Cumulative Effect on Protected Natural Resources (Resolve 2003 Ch. 14)

• By January 5, 2004, the DEP is required to submit a proposal for considering the cumulative effects of activities on protected natural resources, including any draft legislation necessary to implement the proposal, to the Natural Resources Committee. To accomplish this task, the DEP, within existing resources, is required to convene a working group of interested parties to design a method for considering the cumulative effects of activities on protected natural resources when the activities are permitted.

## 2.) LD 385 An Act to Change the Reporting Requirements for the Mercury Switch Removal Program (PL 2003 Ch. 6)

• Before January 1, 2004 and annually thereafter, the DEP is required to report to the Mercury Products Advisory Committee on the effectiveness of the source separation program including whether the partial reimbursement payment set forth in the law should be adjusted to increase the number of switches brought to consolidation facilities, whether other motor vehicle components should be added to the source separation efforts and whether the program should be terminated and, if so, when.

#### 3.) LD 669 An Act To Strengthen the Energy Resources Council (PL 2003 Ch. 487)

• The Energy Resources Council is required to undertake a study of energy-related policy and its implementation, with particular focus on energy efficiency and renewable energy. The council is authorized to hold up to 4 meetings to conduct its review, including one public hearing on its draft findings and recommendations, prior to preparing its final draft report. The council is required to submit its report to the Utilities and Energy Committee by December 3, 2003 and the committee is authorized to report out a bill in response to the report.

#### 4.) LD 743 An Act To Develop a Plan for Cathode Ray Tube Disposal (PL 2003 Ch. 150)

• The DEP is required to convene a stakeholder group and to develop a recommended plan, utilizing the concept of shared responsibility among manufacturers, distributors, retailers, consumers and other parties, for the collection and recycling of cathode ray tubes. The department must submit the recommended plan to the Natural Resources Committee by January 30, 2004. The committee is authorized to report out legislation during the Second Regular Session of the 121st Legislature.

# 5.) LD 845 An Act To Provide Leadership in Addressing the Threat of Climate Change {PL 2003 Ch. 237}

• By July 1, 2004, the DEP, with input from stakeholders, is required to adopt a state climate action plan to meet the reduction goals specified in law. The action plan must address reduction in each sector in cost-effective ways and must allow sustainably managed forestry, agricultural and other natural resource activities to be used to sequester greenhouse gas emissions. The department is required to submit the action plan to the Natural Resources Committee.

# 6.) LD 1059 Resolve, Directing the Department of Environmental Protection To Recognize the Distinction between Water Storage Reservoirs and Natural Lakes {Resolve 2003 Ch. 37}

• The Board of Environmental Protection (BEP) is required to adopt rules relating to protocols and procedures for evaluation of the resident biological community in water storage reservoirs. In adopting the rules, the BEP is required to recognize that water storage reservoirs are artificial and are not natural water bodies, and the rules must ensure that the existing uses of water storage reservoirs are maintained and protected. In issuing licenses, permits and certifications prior to final adoption of the rules, the Department of Environmental Protection is required to recognize that water storage reservoirs are artificial and are not natural water bodies and shall ensure that the existing uses of water storage reservoirs are maintained and protected. The goal of the rules and any license, permit or certification must be to require that the structure and function of the resident biological community that must be maintained in a water storage reservoir is the structure and function that would be expected to exist in a water storage reservoir with a drawdown of similar magnitude. No deadline for rule adoption is set forth in law.

#### 7.) LD 1137 An Act Regarding Riverine Impoundments (PL 2003 Ch. 257)

• DEP/stakeholder proposal establishing dissolved oxygen compliance criteria for Gulf Island Pond to be submitted to EPA by December 1, 2003.

# 8.) LD 1159 An Act To Reduce Mercury Use in Measuring Devices and Switches {PL 2003 Ch. 221}

• By January 15, 2004, the DEP is required to submit to the Natural Resources Committee a plan to significantly improve the collection of mercury-added thermostats at the end of their life. The plan must include recommendations regarding responsibility for and participation in the collection, transportation and processing of mercury-added thermostats. The Natural Resources Committee may report out legislation relating to the collection of mercury-added thermostats during the Second Regular Session of the 121st Legislature.

# 9.) LD 1184 Resolve, To Encourage Use of Alternative Energy Sources {Resolve 2003 Ch. 50}

- The Energy Resources Council, in coordination with the DEP, is required to study:
  - 1. The costs and benefits of state government actions and options to stimulate an increase in the percentage of various alternative transportation fuels and alternatively fueled vehicles used in the State;
  - 2. The costs and benefits of state government actions and options to stimulate an increase in the production of biofuels in the State;
  - 3. The related goals, practices, results and markets that exist in other states and provinces, especially those that share fuel or vehicle markets with Maine;
  - 4. The potential for synergies between alternative transportation fuel and alternative heating fuel sectors and infrastructure;
  - 5. The costs and benefits and actual or predicted transportation energy efficiency results of other initiatives, including dense multiuse development, long-term traffic and modal demand management plans of the Department of Transportation, anti-idling campaigns and fuel economy standards for state fleets; and
  - 6. Related federal initiatives, requirements and funding, and the implications for strategic planning and investment in the State.

The Energy Resources Council is required to report its interim findings and recommendations resulting from this study by January 31, 2004 and its final recommendations by January 31, 2005. The reports must present recommended production or usage goals for alternative transportation fuels and biofuels, recommended strategies to arrive at those goals and the predicted costs and benefits of such strategies. The resolve does not specify a committee of jurisdiction.

# 10.) LD 1271 Resolve, To Study the Implementation of a Plan To Prohibit the Discharge of Certain Wastewater into Coastal Waters {Resolve 2003 Ch. 79}

• The DEP is required to convene a stakeholder group to assist the department in developing a recommended plan for prohibiting or regulating the discharge of sewage and gray water from vessels into the coastal waters of the State. The stakeholder group must be convened no later than 30 days after the effective date of this resolve.

By no later than November 1, 2003, the DEP is required to submit to the Natural Resources Committee a recommended plan, including any legislation necessary to implement the plan, for prohibiting or regulating the discharge of sewage and gray water from vessels into the coastal waters of the State.

Lastly, the resolve authorizes the DEP to seek and accept outside funds to advance the work in developing the recommended plan.

## 11.) LD 1309 An Act To Protect Public Health by Reducing Human Exposure to Arsenic {PL 2003 Ch. 457}

- By no later than January 1, 2004, DEP is required to submit to the Natural Resources Committee a report that contains a market evaluation of the sale of arsenic-treated wood in the State and the remaining uses of arsenic-treated wood that are still allowed in the State. For marine and other direct water contact uses of arsenic-treated wood, the report must include information on the market availability of alternatives to wood treated with a preservative containing added copper. The Natural Resources Committee may report out legislation to the Second Regular Session of the 121st Legislature to restrict the sale of arsenic-treated wood for all remaining uses
- By January 1, 2005, DEP is required to submit to the Natural Resources Committee a plan for the safe management of arsenic-treated wood waste. The plan must be developed in consultation with interested parties. The plan must include, but is not limited to, recommendations regarding:
  - 1. The separation and segregation of arsenic-treated wood at solid waste handling facilities;
  - 2. Restrictions on the combustion of arsenic-treated wood at incineration facilities, biomass boilers and other boilers; and
  - 3. Restrictions on the disposal of arsenic-treated wood at unlined landfills.

#### 12.) LD 1403 An Act To Amend a Requirement Concerning Dioxin (PL 2003 Ch. 165)

- On February 16, 2004, DEP and DHS are required to present to the Governor and the Natural Resources Committee a comprehensive assessment on the progress in eliminating the discharge of dioxin from bleach kraft pulp mills in this State. The assessment must report on:
  - 1. Dioxin concentrations in fish above and below mills and the health implications of those concentrations;
  - 2. Any evidence that dioxin is being discharged from any mill;
  - 3. Current technology that achieves no discharge of dioxin;
  - 4. The need for continuing the dioxin monitoring program; and
  - 5. Other known sources of dioxin polluting rivers in this State.

The commissioners shall make recommendations regarding any additional action that may be warranted.

#### 13.) LD 1485 Resolve, To Update Water Quality Criteria (Resolve 2003 Ch. 39)

• By January 1, 2004, the DEP is required to recommend any needed changes related to the bacteria criteria for Class B waters, the bacteria criteria and the dissolved oxygen standard for Class C waters and the dissolved oxygen standard for estuarine and marine waters to the Natural Resources Committee. The committee may report out legislation on these issues to the Second Regular Session of the 121st Legislature.

# 14.) LD 1549 An Act To Fund Municipal Collection of Household Hazardous Waste {P&SL 2003 Ch. 30}

• The DEP is required to conduct a study regarding ongoing sources of funding for municipal collection of hazardous waste and must submit its recommendations to the Natural Resources Committee no later than January 4, 2004. The committee is required to report out legislation during the Second Regular Session of the 121st Legislature concerning ongoing sources of funding for municipal collection of household hazardous waste.

#### 15.) LD 1570 An Act Concerning Storm water Management (PL 2003 Ch. 318)

• By February 1, 2004, the DEP is required to report to the Natural Resources Committee with recommendations for improving the effectiveness of storm water management in this State. These recommendations must include provisionally adopted rules to regulate storm water discharges to impaired waters from existing development where necessary to allow restoration of water quality and from new development both during and after construction. The department may also make recommendations concerning other issues such as encouraging the creation of local or regional storm water utility districts and funding storm water management programs at the state and local level, including long-term efforts to inspect, maintain and upgrade or retrofit storm water management systems in impaired or at-risk watersheds or sensitive or threatened regions or watersheds.

The DEP is required to consult with state and federal agencies as well as representatives of interested stakeholder groups, including business and environmental groups and the Maine Municipal Association, when developing these recommendations. The Natural Resources Committee is authorized to report out legislation based on the recommendations related to storm water management to the Second Regular Session of the 121st Legislature.

### Appendix IV

# Pertinent Bills to be Carried Over to the Second Regular Session of the 121<sup>st</sup> Legislature

1)	173	An Act to Provide for the Passage of Anadromous Fish Species into the Little River
2)	939	An Act To Repeal the Fee on Aquacultural Salmon Production
3)	942	An Act To Create Guidelines To Promote Good Science in Rulemaking
4)	962	An Act to Consolidate the Advocacies of the Various State Agencies into an Executive Department and Establish the Office of Inspector General
5)	1089	An Act To Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for Energy Conservation in State Buildings and Facilities
6)	1157	An Act To Promote Clean and Efficient Energy
7)	1158	An Act To Protect Maine's Coastal Water
8)	1201	An Act to Require the Owner or Operator of a Casino To Improve or Replace Utilities and Infrastructure in the Vicinity of the Casino
9)	1253	An Act to Ensure Playground Safety
10)	1261	An Act To Support Clean and Efficient Energy for the Future of Maine's Economy and Environment
11)	1279	Resolve, Related to Aquaculture Leases in Blue Hill Bay
12)	1332	An Act To Recognize the Maine Rural Development Council
13)	1393	An Act To Provide for Meaningful Input in the Maine Administrative Procedure Act
14)	1492	An Act To Promote the Production and Use of Fuels Derived from Agricultural and Forest Products
15)	1525	An Act To Clarify the Freedom of Access Laws as They Pertain to the Penobscot Nation
16)	1569	An Act To Authorize a General Fund Bond Issue in the Amount of \$16,800,000 To Construct and Upgrade Water Pollution Control Facilities, To Remediate Solid Waste Landfills, To Clean Up Uncontrolled Hazardous Substance Sites and To Make Drinking Water System Improvements